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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1965 OF 2007

Nuclear Power Corporation of India Ltd and Anr. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. L.A. Munim with Mr. A.K. Bhalerao i/by M/s. Rajesh Kothari & Co. for Petitioners.

Mr. S.R. Nargolkar. A.G.P. for R. Nos. 1 to 5.

Mr. S.S. Pakale with Mr. G. Hariharan i/by Dr. T.C. Kaushik for R. No. 6.

CORAM: F.I. REBELLO &
R.M. SAVANT,JJ.
DATED: MARCH 23, 2007

P.C.:

. Rule.Heard forthwith.

. The Petitioner, a public Undertaking of the Government of India has approaches this court to challenge the warrant of attachment served on them dated 26.2.2007. The respondents have demanded the sum of Rs.42,13,34,920/- and also further sum of Rs.6,46,88,910/. The case of the Petitioners is that the demand is for the period which is about 40 years old and as such they had no time to search their records. The need to see the record is because it is to be ascertained whether the amount as claimed has already been paid or not.

Considering the above, in our opinion the request is genuine and in the light of that present petition can be disposed of by issuing the following directions :

(1) The Petitioners are granted three months time to show cause to the respondents that the amount claimed is not due and payable.

(2) On receipt of reply, the respondents to consider the said reply and thereafter to pass appropriate orders according to law.

(3) On such orders being passed, the same not be acted for the period of six weeks thereafter.

. Rule made absolute accordingly. No order as to coasts.

(R.M. SAVANT,J.) **(F.I.REBELLO, J.)**